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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 3:19-cr-00003-RRB-MMS
	)	
TRISTAN JAMAL GRANT, a/k/a	)	
"Goo,"	)	
	)	
Defendant.	)	
_____	)	

**GOVERNMENT'S SUPPLEMENTAL TRIAL BRIEF**

COMES NOW the United States of America, by and through undersigned counsel, and hereby submits this supplement to the Government's Trial Brief at Docket 161. This bench trial is set to begin on Monday, April 12, 2021 at 8:30 a.m. in Anchorage Courtroom 3 and is expected to last two or three days.

The United States intends to call an additional witness, Monte Hernandez, in its case-in-chief. Mr. Hernandez will testify that he was a defense investigator working with defense counsel James Wendt. Pursuant to a pretrial release order from Magistrate Judge Scoble, Grant was placed in Hernandez’s custody for the purpose of traveling from the Anchorage Jail to Wendt’s office to prepare for trial. Hernandez will testify that on February 16, 2021, Grant fled on foot from Hernandez’s vehicle as they were about to return Grant to jail.<sup>1</sup>

The United States may present evidence of Grant’s flight to show his consciousness of guilt. The Ninth Circuit has held that “[f]light immediately after the commission of a crime, or immediately prior to trial, both support an inference of

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<sup>1</sup> The Court has previously addressed any potential conflict issues that may arise from Mr. Hernandez’s testimony. *See* Doc. 181. The defendant was provided with independent counsel to advise him of the potential conflict. *See* Doc. 183. After being advised by independent counsel, the defendant knowingly and voluntarily waived in writing the potential conflict that may result from his attorney’s investigator testifying against him at trial. *Id.*

consciousness of guilt.” *United States v. Hernandez-Miranda*, 601 F.2d 1104, 1107 (9th Cir. 1979). Evidence of flight is generally admissible at trial. *United States v. Guerrero*, 756 F.2d 1342, 1347 (9th Cir. 1984).

RESPECTFULLY SUBMITTED April 6, 2021, in Anchorage, Alaska.

E. BRYAN WILSON  
Acting United States Attorney

s/ Jennifer Ivers  
KYLE REARDON  
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United States of America

#### **CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2021, a true and correct copy of the foregoing was served electronically on the following:

James Wendt

s/ Jennifer Ivers  
Office of the U.S. Attorney